

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

MOHAMED N. JABAK,
Defendant

)
)
)
) CRIMINAL NO. 05-CR-10174-RWZ
)
) VIOLATIONS:
) 18 U.S.C. §1341 (MAIL FRAUD)
) 18 U.S.C. §157 (BANKRUPTCY FRAUD)
)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

I. COUNT 1 - MAIL FRAUD (18 U.S.C. §1341)

1. At all times material to this Information, defendant MOHAMED N. JABAK ("JABAK") was an individual living in Massachusetts.

2. Beginning in or about a date uncertain but no later than June 2001, and continuing until at least May 2003, in the District of Massachusetts and elsewhere, the defendant herein,

MOHAMED N. JABAK

did devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

3. The scheme consisted essentially of JABAK obtaining multiple credit cards, establishing some reliable credit history, then over a two-month period charging purchases and taking cash advances totaling nearly \$120,000, thereafter failing to make any

payments on those charges and later filing a bankruptcy petition for the purpose of discharging those fraudulent credit card debts.

4. By this fraudulent scheme, JABAK obtained approximately \$120,000 using more than 20 credit cards.

5. In furtherance of this scheme, JABAK did the following, among other things:

- a. Obtained credit cards from multiple credit card companies, including 16 new credit card accounts in October and November 2001;
- b. Provided knowingly false information about his salary and length of current employment in some credit card applications;
- c. In October and November 2001, JABAK took substantial cash advances on several credit cards, deposited the advanced funds into his bank account, and then used those funds to repay those same cash advances the following month. During that same period, JABAK made substantial purchases using several credit cards, then returned the purchased goods the following month, which were then credited to his credit card accounts. JABAK took these actions to make it appear to the credit card companies that he had the ability and willingness to repay substantial purchases and cash advances;

- d. From about December 2001 through about March 2002, JABAK primarily made the minimum required monthly payments on the outstanding balances of his credit cards;
- e. In April and May 2002, JABAK charged purchases and took cash advances totaling approximately \$120,000 on approximately 26 credit cards. On several credit cards, JABAK incurred debt near his credit limit;
- f. JABAK used the credit cards in April and May 2002 for the following, among other things: \$14,500 for the purchase of 13 round trip airline tickets from Boston to Beirut, Lebanon; \$10,000 for the benefit of a friend who owned a gas station in Detroit; to purchase a variety of personal items including jewelry and consumer electronics;
- g. JABAK either gave away or sold many of the personal products, including jewelry and consumer electronics items, which he purchased using credit or cash advances. JABAK used the proceeds of such sales for his own personal use, rather than repaying the substantial credit card debt which he had incurred;
- h. JABAK ceased making payments on many of his credit cards beginning in April 2002, and made no payments after June 2002;

- i. JABAK filed a Chapter 7 bankruptcy petition in January 2003, primarily to discharge the substantial credit card debt he incurred in April and May 2002.

6. In or about June, 2001, in the District of Massachusetts and elsewhere, the defendant herein,

MOHAMED N. JABAK

having devised and intending to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and attempting to do so, did cause to be placed in post offices and authorized depositories for mail matter a credit card application to be sent by mail by the United States Postal Service from MOHAMED N. JABAK in Massachusetts, and did knowingly cause the articles to be delivered by the United States Postal Service, according to directions thereon, to J.P. Morgan Chase Bank in New York.

All in violation of Title 18, United States Code, Sections 1341 and 2.

II. COUNT 2- BANKRUPTCY FRAUD SCHEME (18 U.S.C. §157)

7. The allegations contained in paragraphs 1 and 3-5 of this Information are hereby re-alleged and incorporated by reference.

8. Beginning in or about January 2003 and continuing until at least May 2003, JABAK engaged in a scheme to defraud his

bankruptcy creditors, the bankruptcy trustee and the bankruptcy court. The scheme consisted of filing for bankruptcy to discharge his substantial credit card debt, while concealing from creditors, the bankruptcy trustee and the bankruptcy court his ownership of more than \$8,000 worth of personal effects and his transfer and sale of more than \$20,000 in cash and property to friends, relatives and others.

9. In furtherance of his fraudulent scheme, JABAK did the following:

- a. On or about January 21, 2003, JABAK caused to be filed in the United States Bankruptcy Court for the District of Massachusetts in Worcester a bankruptcy petition for liquidation under Chapter 7 of the Bankruptcy Code. The case was captioned In re: Mohamed N. Jabak, case number 03-40350.
- b. On or about January 21, 2003, JABAK caused to be filed in the Bankruptcy Court a Statement of Financial Affairs and schedules of his property and debts. Those documents purported to list all of JABAK's assets and debts and to provide additional information concerning his assets and business affairs, including information about payments made to creditors, gifts, and other transfers all within the year before the bankruptcy filing. Each of those documents was declared to be

true by JABAK under penalty of perjury, and signed on or about January 16, 2003.

- c. In those documents, JABAK failed to disclose: 1) that in or about April 2002, he made two \$5,000 credit card payments to an environmental consulting firm for services provided to a Michigan gas station owned by a friend; and 2) that in the year before filing for bankruptcy, he gave or sold to relatives, friends and others many personal items including jewelry, audio and video equipment and clothing. Moreover, in response to all questions requesting specific information about payments to creditors, gifts and other transfers in the year before bankruptcy, JABAK falsely answered "None."
- d. On March 18, 2003, JABAK provided testimony under oath during a bankruptcy meeting of creditors. During that meeting, JABAK failed to disclose the payments, gifts and transfers described in ¶9c above. Moreover, in response to a question seeking information about how he had incurred his substantial credit card debt, JABAK did not disclose that he had charged \$10,000 on one credit card for the benefit of a friend's gas station.

10. Beginning in or about January 2003 and continuing until at least May 2003, in the District of Massachusetts, the defendant,

MOHAMED N. JABAK

having devised or intending to devise a scheme or artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so, as set forth above, did file schedules of assets and debts and a Statement of Financial Affairs in the United States Bankruptcy Court for the District of Massachusetts in Boston, case captioned In re: Mohamed N. Jabak, case number 03-40350.

All in violation of Title 18, United States Code, Sections 157 and 2.

MICHAEL J. SULLIVAN
United States Attorney

By:


MARK J. BALTHAZARD
Assistant U.S. Attorney

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. III Investigating Agency FBICity Methuen and Worcester Related Case Information: 05-CR-10174-RW2County Essex and Worcester Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Mohamed N. Jabak Juvenile ☐ Yes ☒ No

Alias Name _____

Address 6 Oakmeadow Lane, Methuen, MABirth date (Year only): 1975 SSN (last 4 #): 0544 Sex M Race: _____ Nationality: LebaneseDefense Counsel if known: Neil F. Faigel Address: 265 Broadway
Methuen, MA 01844

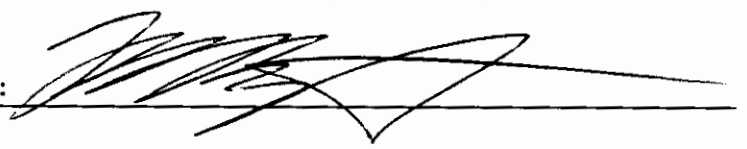
Bar Number: _____

U.S. Attorney Information:AUSA Mark J. Balthazard Bar Number if applicable 544463Interpreter: ☐ Yes ☒ No List language and/or dialect: _____Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☒ Regular Process ☐ In Custody**Location Status:**

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☐ Complaint ☒ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

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☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: July 13, 2005Signature of AUSA: 

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District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Mohamed N. Jabak

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. §1341</u>	<u>Mail Fraud</u>	<u>1</u>
Set 2	<u>18 U.S.C. §157</u>	<u>Bankruptcy Fraud</u>	<u>2</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: